

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

POCO, LLC,

Plaintiff,

v.

FARMERS CROP INSURANCE

ALLIANCE, INC.,

Defendant.

NO. 4:14-cv-05106-SAB

**ORDER RE MOTION TO
EXTEND DEADLINE FOR
THIRD-PARTY AFFIDAVIT**

Before the Court are Defendant's Motion to Extend Deadline to Provide Third-Party Affidavit, ECF No. 68, and accompanying motion to expedite. ECF No. 70. On March 25, 2016, the Court entered Judgment in favor of Defendant. ECF No. 54. Defendant filed a Motion for Attorneys' Fees on April 8, 2016. ECF No. 55. On June 2, 2016, the Court ordered Defendant to provide a third-party affidavit to support its Motion for Attorneys' Fees. ECF No. 67. The Court set July 15, 2016 as Defendant's deadline, and August 15, 2016 as a deadline for Plaintiff's response, if any.

The day before its deadline, Defendant moved for a two-week extension of both deadlines. The motion indicated Defendant had been unable to reach Plaintiff to seek their approval of the motion. Defendant did not note the motion with a hearing date. Pursuant to Local Rule 7.1(h), a hearing for a non-dispositive motion shall be set no sooner than thirty days after the motion's filing—or in this case,

**ORDER RE MOTION TO EXTEND DEADLINE
FOR THIRD-PARTY AFFIDAVIT # 1**

1 August 15, 2016. Pursuant to Local Rule 7.1(b), a responsive memorandum is due
2 no later than fourteen days after the filing of a dispositive motion. Here, Plaintiff's
3 response was due July 28, 2016.

4 Although Defendant filed a Motion to Expedite on July 26, 2016, this
5 motion failed to comply with Local Rule 7.1(h)(2)(C) because it failed to establish
6 good cause and did not state the position of the opposing counsel. Accordingly,
7 Defendant's Motion to Expedite is denied.

8 Because Plaintiff failed to respond to the Defendant's Motion to Extend, the
9 Court construes that failure to respond as consent to the motion under Local Rule
10 7.1(d). Therefore, the Court grants Defendant's Motion to Extend and sets new
11 deadlines.

12 Accordingly, **IT IS ORDERED:**

- 13 **1.** Defendant's Motion to Expedite, ECF No. 70, is **DENIED** for failure to comply
14 with the Local Rules.
15 **2.** Defendant's Motion to Extend Deadline to Provide Third-Party Affidavit, ECF
16 No. 68, is **GRANTED**.
17 **3.** Defendant shall provide additional support regarding the reasonableness of
18 hours billed no later than **August 1, 2016**.
19 **4.** Plaintiff's response, if any, shall be filed no later than **September 6, 2016**.

20 **IT IS SO ORDERED.** The District Court Executive is hereby directed to enter
21 this Order and provide copies to counsel.

22 **DATED** this 29th day of July 2016.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

Stanley A. Bastian
United States District Judge